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Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
THE NEW YORK TIMES COMPANY	:
and RON NIXON,	:
	:
Plaintiffs,	:
	:
- against -	:
	:
UNITED STATES DEPARTMENT	:
OF THE TREASURY,	:
	:
Defendant.	:
-----X	

09 Civ. 10437 (RJH) (FM)
ECF Case

ANSWER

Defendant the United States Department of the Treasury (“defendant” or “Treasury”), by its attorney Preet Bharara, United States Attorney for the Southern District of New York, answers the complaint of plaintiffs The New York Times Company and Ron Nixon (“plaintiffs”) upon information and belief as follows:

1. Denies the allegations in paragraph 1 of the complaint.
2. Admits the allegations in the first sentence of paragraph 2 of the complaint. The second sentence of paragraph 2 of the complaint contains plaintiffs’ characterization of the action, to which no response is required.

3. Paragraph 3 of the complaint contains plaintiffs' characterization of the action, to which no response is required.

JURISDICTION AND VENUE

4. Admits the allegations in paragraph 4 of the complaint.

5. Admits the allegations in paragraph 5 of the complaint.

PARTIES

6. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the complaint, except admits that The New York Times Company is headquartered in this judicial district at 620 Eighth Avenue, New York, New York.

7. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the complaint.

8. With respect to paragraph 8 of the complaint, denies the allegations in the third sentence of the paragraph, admits the remaining allegations, and avers that Burma (Myanmar), Iran, North Korea, Sudan, Zimbabwe, and certain individuals and entities in Iraq and Syria are subject to OFAC sanctions.

FACTS

OFAC LICENSE DATABASE

9. Admits the allegations in paragraph 9 of the complaint.

10. Denies the allegations in paragraph 10 of the complaint.

FOIA REQUEST

11. Admits the allegations in paragraph 11 of the complaint.

12. Denies the allegations in paragraph 12 of the complaint and avers that Treasury produced a redacted version of the OFAC License Database in March 2009.

PREVIOUS LITIGATION

13. Admits the allegations in paragraph 13 of the complaint.

14. Admits the allegations in paragraph 14 of the complaint.

15. Admits the allegations in paragraph 15 of the complaint.

16. Admits the allegations in paragraph 16 of the complaint.

ADMINISTRATIVE APPEAL

17. Admits the allegations in paragraph 17 of the complaint.

18. Admits the allegations in paragraph 18 of the complaint.

COUNT I

19. With respect to paragraph 19 of the complaint, defendant re-alleges each response to paragraphs 1 to 18, *supra*, as though fully alleged herein.

20. Paragraph 20 of the complaint states a conclusion of law, to which no response is required. To the extent a response is required, admits that Treasury is an “agency” as defined in the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(f), denies the remaining allegations, and respectfully refers the Court to FOIA, 5 U.S.C. § 552, for a true and accurate statement of its requirements.

21. Denies the allegations in paragraph 21 of the complaint.

22. Denies the allegations in paragraph 22 of the complaint.

23. Denies the allegations in paragraph 23 of the complaint.

REQUEST FOR RELIEF

24. The paragraph beginning “WHEREFORE” in the section titled “Request for Relief” contains the relief sought by plaintiffs, to which no response is required. To the extent a response is required, denies that plaintiffs are entitled to the relief sought in that paragraph.

FIRST DEFENSE

25. Plaintiffs are not entitled to documents, or portions of documents, exempt from disclosure under FOIA, 5 U.S.C. § 552(b), or other law.

WHEREFORE, defendant demands judgment dismissing the complaint, and granting such other and further relief as this Court deems proper.

Dated: New York, New York
March 3, 2010

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Defendant

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